

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**RUTTY AND MORRIS, LLC**

**V.**

**JOHNSON CONTROLS, INC., ET AL.**

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**Case No. 1:10-CV-236**

**ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to an Order of Reference entered on April 26, 2010. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant plaintiff's motion to dismiss, and enter partial final judgment without prejudice regarding plaintiff's claims against defendant Johnstone Supply, Inc. *d/b/a Johnstone Supply*.

The magistrate judge's report is hereby **ADOPTED** and plaintiff's "Motion to Dismiss Johnstone Supply, Inc." (Docket No. 22) is **GRANTED**.

Partial final judgment dismissing defendant Johnstone Supply, Inc. will be entered separately. The action will, however, remain pending with regard to plaintiff's claims against defendant Johnson Controls, Inc.

So **ORDERED** and **SIGNED** this **28** day of **September, 2010**.



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Ron Clark, United States District Judge